

March 14, 2003

Re: Medical Dispute Resolution
MDR #: M2.03.0559.01

Dear

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ____ for an independent review. ____ has performed an independent review of the medical records to determine medical necessity. In performing this review, ____ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Physical Medicine and Rehabilitation.

Clinical History:

This 33-year-old male claimant began to experience low back pain related to his job on or around _____. An MRI scan revealed disc bulges at L4-5 and L5-S1 with a small focal right paracentral disc bulge. He has had epidural steroid and facet injections, but still complains of lower back pain. A nerve conduction study on 08/21/02 indicated lumbar radiculopathy.

Disputed Services:

Lumbar discogram.

Decision:

The reviewer agrees with the determination of the insurance carrier. The reviewer is of the opinion that a lumbar discogram is not medically necessary in this case.

Rationale for Decision:

Although there is a nerve conduction study performed on 08/21/02, the data presented does not give us a diagnosis of a radiculopathy. The conclusions are not supported by the data. Only a needle EMG (which was not done) can show a radiculopathy. The patient's lower back pain has persisted despite multiple interventions, including physical therapy, injections and medication.

In general, discography should be performed only if the patient has had a failed response to adequate attempts at conservative

management, the patient persists with severe back pain, and non-invasive tests, such as MR imaging, have not provided sufficient diagnostic information.

The standard of a discogram is also used as a peri-operative procedure to assess which levels of discs are responsible for discogenic pain and, therefore, can be accurately addressed in a surgical procedure. As this gentleman is just 33 years old, has relatively benign findings on his MR, and nerve conduction studies are inconclusive, this otherwise healthy young man does not appear to be a surgical candidate at this time. Based on this rationale, the requested procedure for a discogram is not warranted to either advance or treat the current diagnosis.

I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) days** after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission
P.O. Box 40669
Austin, TX 78704-0012

A copy of this decision should be attached to the request. The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on March 14, 2003.

Sincerely,